

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
SAN FRANCISCO

ORDER SUSPENDING AND REMOVING
FROM OFFICE AND EMPLOYMENT WITH
PRODUCTION AGENCY, and
NOTICE OF RIGHT TO HEARING

In the Matter of the Licenses and Licensing
Rights of

File No. SC201201161-A

ROGER EDWARD WINKLER.

Respondent

TO: ROGER EDWARD WINKLER.:

YOU ARE HEREBY IMMEDIATELY PROHIBITED from participating in any manner in the business of an insurer or insurance production agency, including engaging in any employment, management or control of any production agency, or from acting as an individual insurance producer, absent prior written consent of the Insurance Commissioner.

YOU ARE HEREBY NOTIFIED that the conduct, conditions and grounds which the Insurance Commissioner deems violative of the provisions of California Insurance Code section 1748.5(e), on which this action is based, are as follows:

(a) At all times mentioned herein, Respondent Albert Stephen Moriarty has been licensed as a Casualty Broker-Agent and Property Broker-Agent pursuant to license number 0565684.

(b) On or about November 12, 2013, in Case Number 13-06918 in the Superior Court of the State of California, County of Shasta, a felony complaint was filed charging Respondent Roger Edward Winkler with six counts of criminal activity as follows:

- Two counts of Grand Theft of Personal Property, in violation of Penal Code section 487(A); a felony.

- Three (3) counts of Insurance Fraud, in violation of Penal Code section 550(B)(2), a felony.
- One count of Petty Theft/Larceny, in violation of Penal Code section 484(A)/488, a felony.

(c) A copy of the complaint is attached hereto as Exhibit A and is incorporated herein by referenced.

(d) The crimes alleged involve Respondent's transaction of the business of insurance as a licensed insurance producer and his continued employment creates an ongoing opportunity to conduct insurance business, exposing consumers and insurers to financial or other injury.

By reason of the foregoing, the Commissioner finds that Respondent has been charged in a complaint with a crime punishable by imprisonment for a term exceeding one year and which involves as one of its necessary elements a fraudulent act or an act of dishonesty in the acceptance, custody, or payment of money or property, and that a failure to immediately issue the order threatens the financial solvency of an insurer or may cause financial or other injury to any person, pursuant to Section 1748.5, subdivision(e)(1), of the California Insurance Code.

NOTICE OF RIGHT TO HEARING

YOU ARE HEREBY NOTIFIED that within thirty (30) days after the issuance of this Order, you may file with the Insurance Commissioner an application for an hearing on the Order, addressed to Teresa R. Campbell, Assistant Chief Counsel, California Department of Insurance, Legal Division, San Francisco Enforcement Bureau, 45 Fremont Street, 21th Floor, San Francisco, California 94105.

YOU ARE FURTHER NOTIFIED that upon written request to the Insurance Commissioner at the above address, you may request an extension of the thirty (30) day period by an additional thirty (30) days provided that the request is filed with the Insurance Commissioner within thirty (30) days after the Order is issued.

YOU ARE FURTHER NOTIFIED that a hearing will be scheduled within fifteen (15) business days after the application for a hearing is filed or within a longer period of time if

1 requested by you.

2 YOU ARE FURTHER NOTIFIED that a violation of this Order may result in civil
3 penalties of up to one thousand dollars (\$1,000) per day for each day for which the violation
4 continues.

5 This Order is issued as of the date set forth below and is effective immediately.

6 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this
7 11th day of December, 2013.

8 DAVE JONES
Insurance Commissioner

9 By /s/

10 Teresa R. Campbell
11 Assistant Chief Counsel
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